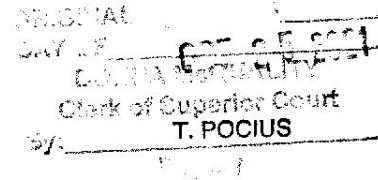
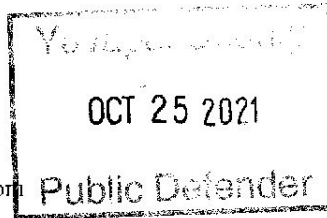


Michael Willis Chase,
Pro Se
P.O. Box 4461,
Sedona, Arizona 86340
Email: aloha777sedona@gmail.com
Phone: (928) 399-9688



RECEIVED

OCT 25 2021

YAVAPAI COUNTY ATTORNEY

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

STATE OF ARIZONA)	
)	
PLAINTIFF,)	CASE NO. V1300CR201980661
)	
VS)	MOTION TO DISMISS
)	THE PUBLIC DEFENDER
Michael Willis Chase)	NATHAN BEST
)	
ACCUSED.)	
_____)	

Dated this 25th day of October, 2021

¶1. COMES NOW Michael Willis Chase, in Pro Se and appearing specially and not generally or voluntarily herein, to dismiss the COUNTY OF YAVAPAI™ PUBLIC DEFENDER assigned to represent the Accused by the court.

¶2. Accused, Michael Willis Chase, admits he has been NON COMPOS MENTIS, a legal insane person as far as his knowledge and understanding of due process and equal protection of law. The truth is this confession signifies that I was not of sound mind in regard to law. It means I did NOT UNDERSTAND law having no training in law. And being incompetent in this present case the court assigned COUNTY OF

Michael Willis Chase's
Motion to Dismiss COUNTY OF YAVAPAI™ PUBLIC DEFENDER NATHAN BEST
and Notice & Demand For Admissions & Confessions
COUNTY OF YAVAPAI™ PUBLIC DEFENDER – NATHAN BEST

1
2 YAVAPAI™ PUBLIC DEFENDER, RUTH SZANTO. Then, I first hired an
3 Attorney, Zachary J. Thornley, then Dennis Bayless, then Kevin M. Crowley, then
4 Adrew C. Marcantel, who were all officers of this trial court directed and controlled
5 by Judges William N. Lundy, Michael R. Bluff, Christopher L. Kottke and John
6 Napper, who shouted the orders and ran this closed union military shop for whatever
7 the market will bear, my Attorneys were spies and saboteurs (licensed), who
8 supposedly had my best interest first and foremost and supposedly understood due
9 process and equal protection and would protect my state and federal civil rights. I
10 was in error. Then, the Court appointed another COUNTY OF YAVAPAI™
11 PUBLIC DEFENDER, NATHAN BEST and surely he would protect my rights to due
12 process and equal protection especially after knowing I was innocent of the charges
13 being charged against me. Surely, he would pour out his heart on my behalf being the
14 guardian of the people's state and federal rights! I was ignorant that he also was a spy
15 and saboteur (licensed). My ignorance is coming to an end!

16 ¶3. A few days ago I had a bad dream a nightmare, which woke me in a cold sweat.
17 And in the dream I was a goose and my feathers were being plucked. In the sequences
18 of images that appeared I was being prepared for the pot and I started hissing making
19 loud and continuous sounds showing my disapproval because of the pain and
20 suffering of having most of my feathers pulled out! And in the last series of images
21 that appeared involuntarily to my mind there was a mixture of real and imaginary
22 characters, places, and events that I saw. I was being plucked by the COUNTY OF
23 YAVAPAI™ PROSECUTOR, AND COUNTY OF YAVAPAI™!

¶4. And I now know that the art of their legal systems is plucking the goose by restitution, fines and plea agreements with the least amount of hissing all in the name of being guardians of the people's rights!

¶5. On May 24, 2021 the calendar in Superior Court is set to pass sentence in a criminal case and I have no right to appeal, no appeal-able issues on the record by my Attorneys, who are in fact, officers of this Trial Court, which shouts the orders and runs this closed union military shop for whatever the market will bear, all who are spies and saboteurs (licensed). With no appeal-able issues filed on my behalf by COUNTY OF YAVAPAI™ PUBLIC DEFENDER, NATHAN BEST all supposedly being my guardians, all supposedly looking out for my best interest, all supposedly demanding due process and equal protection of the law in my best interest. The truth in fact is they are spies and saboteurs (licensed).

¶6. How can I be at the end of this criminal case? This Accused supposedly has neither state nor federal civil rights having signed all my rights away including the right to appeal at the advice and consent of my Attorneys, my public defender, and the court? How can that happen? How, I ask, my answer from my experience in this current case, the closed union military shop, with the judges shouting the orders is legal plunder for whatever the market will bear. All done by agreements and plea-bargaining through threat, duress, coercion and fraud.

¶7. Legal plunder? Yes, legal plunder by robbing “We The People” living in the county using violence causing damage, fear and civil unrest by the use of the gun, the cage and the (slaughter houses) and courts. Yes, robbing and stealing goods and “We The People’s” labor by fraudulent means by superior strength and skill in the courtroom through threats, duress, coercion and fraud.

¶8. Yes, the practice of arranging with the prosecution and the judge, for this defendant to lie by pleading guilty to lesser serious charges, that I never committed, rather than being tried for more serious felonies and misdemeanors that I never committed is the practice and custom.

¶9. Yes, every week, like cattle herded to the slaughterhouse to be brutally killed for their meat, defendants become stakes on the table by choice and consent in Yavapai County.

¶10. Again, I have to share how I feel at this time. I feel like I've been the goose plucked of all my feathers and the pot is boiling to cook the goose! It seems that the police, the courts, the prosecutor, the Attorneys and COUNTY OF YAVAPAI™ PUBLIC DEFENDER, NATHAN BEST have perfected the art of raising capital from many innocent victims with the least amount of hissing, and very little due process and equal protection under the law of the land. I feel like "raw meat" on their table by choice and consent when the truth is my Attorneys and public defender assured me that they were acting with my power of attorney, in my best interest having legal training, as my guardians, of my state and federal rights! How ignorant and legally insane I have been. Yet, I am grateful because I am regaining my competence and I will not stop studying law and due process and equal protection under the law of the land, in the hope to make meaningful change for truth.

¶11. The truth is, the assigned COUNTY OF YAVAPAI™ PUBLIC DEFENDER, NATHAN BEST, Attorney at Law, has subjected and caused to be subjected this Accused/Defendant to the deprivation of state and federal civil rights secured by the de jure The Arizona State and The Federal Constitutions and laws by fraudulently disregarding state and federal civil rights, of Michael Willis Chase, which have not been adequately represented, protected nor defended by the COUNTY OF

1 YAVAPAI™ PUBLIC DEFENDER, NATHAN BEST according to state and federal
2 law as my guardian. He is not my “best friend”. He is not my Counsel of Choice
3 who is looking out for my best interest!!!

4 ¶12. Yes, I have been feeling the draft of having “no feathers” and one week ago I
5 started legal training to regain my legal sanity and competency. One of the first
6 things I have learned is that actionable liability attaches under Title 42 U.S.C. §1983
7 for violations of federally guaranteed rights which provides in pertinent part that:

8
9 “Every person who, under color of any statute, ordinance, regulation, custom,
10 or usage, of any State or Territory, subjects or causes to be subjected, any
11 citizen of the United States...to the deprivation of any rights, privileges or
12 immunities secured by the Constitution and laws, shall be liable to the party
injured in an action at law, suit in equity, or other proceeding for redress.”
(Emphasis added).

13 ¶13. It is my view at this time that COUNTY OF YAVAPAI™ PUBLIC
14 DEFENDER, NATHAN BEST is a person acting “under color of state law” who’s
15 fraudulent actions and inactions, his acts and omissions as a quasi government
16 official, violated the Accused’s federally protected civil rights.

17 ¶14. Notice is hereby given that, as I see it, COUNTY OF YAVAPAI™ PUBLIC
18 DEFENDER, NATHAN BEST’S perpetual failure to address police officers’
19 indifference to the federal civil rights of due process and equal protection of this
20 Accused is an official custom for purposes of §1983 suit. It’s Accused’s observation
21 that this type of perpetual failure and “deliberately indifferent” is not a single isolated
22 incident of unconstitutional activity, but the official policy and custom, which
23 establishes liability for purposes of §1983. It seems unconstitutional searches, getting
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25
26

1 defendants to sign away all their civil rights is routinely authorized by the closed
2 union military inferior courts of no record, which is routinely allowed by
3 commissioners called judges, private prosecutors, district attorneys, private defense
4 Attorneys, and COUNTY OF YAVAPAI™ PUBLIC DEFENDER, NATHAN BEST,
5 which constitutes “deliberately indifferent” as the official policy as the order of the
6 day.
7

8
9 ¶15. Notice is hereby given that, the question must be asked and answered: Would a
10 reasonable person or a highly educated person in law, like COUNTY OF
11 YAVAPAI™ PUBLIC DEFENDER’S NATHAN BEST, trained to demand and
12 never give up any state or federal civil rights, know or should have known, that the
13 any COUNTY OF YAVAPAI™ PUBLIC DEFENDER’S actions and inactions to
14 protect rights violated federal settled law and deprived Michael Willis Chase of his
15 constitutional and other federally protected rights to due process and equal protection?
16

17
18 ¶16. Notice is hereby given that COUNTY OF YAVAPAI™ PUBLIC
19 DEFENDER’S PUBLIC DEFENDER, NATHAN BEST knew or should have known
20 that The United States Congress never intended that those injured by state quasi
21 governmental wrongdoers could be required, as a condition of recovery, to submit
22 their claims to the quasi government responsible for their injuries.
23

24
25 ¶17. Notice is hereby given that the Arizona state courts will hear an entire §1983
26

1 cause of action once a Plaintiff, like the Defendant, complies with the notice statute.
2 This does not alter the fact that the statute discriminates against the precise type of
3 claim The United States Congress has created in federal courts.
4

5 ¶18. Notice is hereby given that while prompt investigation of claims inures to the
6 benefit of both claimants and local governments, notice statutes are ENACTED
7 PRIMARILY FOR THE BENEFIT OF GOVERNMENTAL DEFENDANTS, and are
8 intended to afford such defendants an opportunity to prepare a stronger case.
9

10 ¶19. Notice is hereby given that, sound notions of public administration may support
11 the prompt notice requirement, BUT THOSE POLICIES NECESSARILY CLASH
12 WITH THE REMEDIAL PURPOSES OF THE FEDERAL CIVIL RIGHTS LAWS.
13

14 ¶20. Notice is here given that authority does not extend so far as to permit States to
15 place conditions on the vindication of a federal right. The United States Congress
16 meant to provide free and independent flesh and blood humans immediate access to
17 the federal courts, and did not contemplate that those who sought to vindicate their
18 federal rights in state courts, could be required to seek redress in the first instance
19 from the very supposed state officials, whose hostility to those rights precipitated
20 Michael Willis Chase's injuries.
21

22 ¶21. Notice is hereby given that to the extent Arizona's exhaustion requirement is
23 designed to sift out "specious claims" from the stream of complaints that can inundate
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25
26

1 local quasi governments in the absence of immunity, such a policy is inconsistent with
2 the aims of the federal legislation.

3 ¶22. Notice is hereby given that just as federal courts are constitutionally obligated to
4 apply state law to state claims, The Supremacy Clause imposes on state courts and
5 quasi state courts a constitutional duty to proceed in such manner that all the
6 substantial rights of the parties under controlling federal law are protected. A state law
7 that predictably alters the outcome of §1983 claims depending solely on whether they
8 are brought in state or federal court within the State is obviously inconsistent with the
9 federal interest in intrastate uniformity.

10 ¶23. Notice is hereby given that the police, the COUNTY OF YAVAPAI™ PUBLIC
11 DEFENDER'S COURT(S), COUNTY OF YAVAPAI™ PUBLIC DEFENDER'S
12 PROSECUTOR(S), and COUNTY OF YAVAPAI™ PUBLIC DEFENDER'S
13 PUBLIC DEFENDER, NATHAN BEST may have reasoned that while The United
14 States Congress may establish the procedural framework under which claims are
15 heard in federal courts, the de jure "The State of Arizona", in upper and lower case
16 letters, retains the authority under the Constitution to prescribe the rules and
17 procedures that govern actions in their own tribunals.

18 ¶24. Notice is hereby given that the Accused does not dispute the general and
19 unassailable proposition that States may establish the rules of procedure governing
20

1 litigation in their own courts. By the same token, however, where state courts
2 entertain a federally created cause of action, the "federal right cannot be defeated by
3 the forms of local practice." ***Brown verses Western R. Co. of Alabama***, 338 U.S. 294,
4 296, 70 S.Ct. 105, 106, 94 L.Ed. 100 (1949).

6 ¶25. Notice is hereby given that public defenders actions in state court must be
7 consistent with the goals of the federal civil rights laws, or does the enforcement of
8 such a requirement instead "stand as an obstacle to the accomplishment and execution
9 of the full purposes and objectives of Congress"? ***Perez verses Campbell***, 402 U.S.
10 637, 649, 91 S.Ct. 1704, 1711, 29 L.Ed.2d 233 (1971) (quoting ***Hines verses***
11 ***Davidowitz***, 312 U.S. 52, 67, 61 S.Ct. 399, 404, 85 L.Ed. 581 (1941))).

14 ¶26. Notice is hereby given that under The Supremacy Clause of the Federal
15 Constitution:

17 *"the relative importance to the State of its own law is not material when there*
18 *is a conflict with a valid federal law," for "any state law, however clearly*
19 *within a State's acknowledged power, which interferes with or is contrary to*
federal law, must yield."

20 ***Free verses Bland***, 369 U.S. 663, 666, 82 S.Ct. 1089, 1092, 8 L.Ed.2d 180 (1962)

22 ¶27. Notice is hereby given that Section 1983 creates a species of liability in favor of
23 flesh and blood human beings deprived of their federal civil rights by those wielding
24 state authority. As we (*The United States Supreme Court*) have repeatedly emphasized,

1 *"the central objective of the Reconstruction-Era civil rights statutes . . . is to*
2 *ensure that individuals whose federal constitutional or statutory rights are*
3 *abridged may recover damages or secure injunctive relief."*

4 ***Burnett verses Grattan***, 468 U.S. 42, 55, 104 S.Ct. 2924, 2932, 82 L.Ed.2d 36 (1984).

5 ¶28. Thus, §1983 provides:

6 *"a uniquely federal remedy against incursions . . . upon rights secured by the*
7 *Constitution and laws of the Nation,"*

8 ***Mitchum verses Foster***, 407 U.S. 225, 239, 92 S.Ct. 2151, 2160, 32 L.Ed.2d 705
9 (1972), and is to be accorded "a sweep as broad as its language." ***United States verses***
10 ***Price***, 383 U.S. 787, 801, 86 S.Ct. 1152, 1160, 16 L.Ed.2d 267 (1966).

11 ¶29. Notice is hereby given that

12 *"Section 1983, it is worth recalling, creates no substantive law. It merely*
13 *provides one vehicle by which certain provisions of the Constitution and other*
14 *federal laws may be judicially enforced. Its purpose, as we have repeatedly*
15 *said, " 'was to interpose the federal courts between the States and the people,*
16 *as guardians of the people's federal rights. . . . ' "*

17 ***Patsy verses Board of Regents of Florida***, 457 U.S. 496, 503, 102 S.Ct. 2557, 2561,
18 73 L.Ed.2d 172 (1982) (quoting ***Mitchum verses Foster***, 407 U.S. 225, 242, 92 S.Ct.
19 2151, 2162, 32 L.Ed.2d 705 (1972)) (emphasis added).

20 ¶30. Notice is hereby given that a prevailing plaintiff in a §1983 claim may be
21 awarded the following: nominal damages; presumed damages; actual damages;
22 punitive damages; or injunctive or equitable relief. Most importantly, pursuant to 42

1 U.S.C. §1988, Attorney fees can be awarded to the prevailing party in a §1983 suit.

2 ¶31. Notice is hereby given that actual damages have been suffered by the Accused,
3 and that the violations of federal civil rights have caused injury in fact. Actual injuries
4 to an Accused's person and property has occurred, and pertains to both economic and
5 emotional harm.
6

7 ¶32. Notice is hereby given that the Accused/Defendant may seek punitive damages
8 against commissioners called judges, private prosecutors, district Attorneys, private
9 defense Attorneys, and COUNTY OF YAVAPAI™ PUBLIC DEFENDER,
10 NATHAN BEST all of which are directed, controlled and financed by YAVAPAI
11 COUNTY™ by showing that their conduct was "motivated by evil motive or intent,
12 involving reckless...indifference to the Defendant's federally protected rights."
13

14 ¶33. Notice is hereby given that, it seems getting an innocent victim who is, not
15 competent in law - not understanding their rights, to sign away all their federal civil
16 rights then plea bargain to charges that were never done then typically taking huge
17 fines, restitution etc. for the County is justified to pay for a new \$50,000,000
18 COUNTY OF YAVAPAI™ cage facility, gunslinger facility and the slaughter house
19 - court complex with only an estimated 200,600 population in Yavapai County as of
20 2012.
21

22 ¶33. Notice is hereby given that injunctive and equitable relief are available where no
23
24

adequate legal remedy is available to this Accused. This type of relief ranges in significance and should not be underestimated. It can be used for wide-ranging relief, such as preventing a local government from instituting all encompassing violations of due process and equal protection under the law of the land in Yavapai County courts and law enforcement and jail reforms.

¶34. Notice is hereby given that one of the most heavily litigated areas of local government liability involves claims of excessive force and illegal search and seizure by police officers. Why hasn't COUNTY OF YAVAPAI™ PUBLIC DEFENDER, NATHAN BEST listen to Accused's complaints regarding the reasonableness of force from the perspective of reasonable police officers at the time and place of the incident in question, without the benefit of hindsight.

¶35. Notice is hereby given in this Accused's view that it is necessary and imperative that public officials including yet not limited to commissioners called judges, private prosecutors, district Attorneys, private defense Attorneys, and COUNTY OF YAVAPAI PUBLIC DEFENDER, NATHAN BEST familiarize themselves with the primary sources of potential liability for violations of federal civil rights.

¶36. Notice and demand for the following (8) eight sources of documents regarding training manuals, local court rules etc. that specifically address the primary sources of potential liability for violations of federal civil rights violations:

1 ¶37. *First*, copies of all personnel manuals for commissioners called judges, public
2 prosecutors, public defenders, and local court rules and city and county ordinances for
3 compliance with the United States Constitution and other federal laws.
4

5 ¶38. *Second*, copies of all periodically reviewed and amend ordinances and
6 regulations for constitutional deficiencies. The ever-changing nature of constitutional
7 law and the sweeping nature of §1983 necessitates timely review of these laws.
8

9 ¶39. *Third*, copies of all documents that impress upon heads of departments and other
10 final decision makers the importance of seeking advice of counsel with training in
11 constitutional law and standards before making even ad hoc decisions that could lead
12 to litigation.
13

14 ¶40. *Fourth*, copies of all establish written policies on high-risk law enforcement
15 areas such as search and seizure, arrest, deadly force, and privacy issues, which
16 comply with constitutional standards and other applicable laws. Copies of any
17 updated law enforcement policies.
18

19 ¶41. *Fifth*, copies of all implemented thorough training, supervision, and discipline
20 policies for law enforcement officers and other employees regarding federal rights.
21 Training is the primary method by which rules of conduct can be properly understood
22 by employees. Supervision, discipline, and a commitment to ethical conduct and
23 professionalism also play an important role.
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1 ¶42. Sixth, I demand all copies of civil rights violations committed by employees. I
2 demand that each of us be particularly careful not to permit personnel to continue to
3 engage in known conduct that is inconsistent with established standards. Such
4 inaction may be deemed an authorization of the types of abuses at issue.
5

6 ¶43. Seventh, copies of all educational programs to persons serving on boards and
7 commissions, such as planning commissions, boards of adjustment, licensing boards,
8 career service boards, and city councils and boards of trustees, in understanding their
9 functions, particularly when taking actions which may affect an individual's property
10 rights or other constitutionally protected interests.
11

12 ¶44. Eight, copies of all public officials and employees up-to-date information on
13 current developments and changes in the law.
14

15 ¶45. Notice is hereby given that Michael Willis Chase is not the Accused
16 "PERSON™" MICHAEL WILLIS CHASE™. Therefore, Michael Willis Chase will
17 appear pro se with Counsel of his Choice, pursuant to The Supreme Court's decisions
18 as they are already settled in the following cases:
19
20

21
22 *Gideon verses Wainright*, 372 US 335;
23 *Burgett verses Texas*, 389 US 109, (1967);
24 *Memphis verses Rhay*, 389 US 128, (1967);
25 *Chandler verses Fretag*, 348 US 3, (1954); 424 F2d 1166;
26
27 *US verses Mitchell*, 246 F. Supp., 874, 877, (1965);
28

1 *Reynolds verses Cochran*, 365 US 525, 51 Ed. 2d 754, 81 S.Ct. 723 in Am. Jur. P.
2 979;

3 *NAACP verses Button*, 371 US 414, 83 S.Ct. 328;

4 *United Mine Workers of America verses Illinois State Bar Association*, 88 S.Ct.
5 353, (1967);

6 *Brotherhood of Railroad Trainmen verses Virginia State Bar*, 377 US 1, 84 S.Ct.
7 1113, REh DEn 377 US 960; 845 Ct. 1625.

8 ¶40. THEREFORE, Michael Willis Chase prays for the Court to order the COUNTY
9 OF YAVAPAI™ PUBLIC DEFENDER'S Office to withdraw and respectfully
10 request discharge of the Public Defender's Office from representing MICHAEL
11 WILLIS CHASE™ in the above entitle matter.

12 ¶41. In the event the ORDER OF WITHDRAWAL is denied by this court the attached
13 hereto and made a part hereof Exhibit "A" which is Michael Willis Chase's NOTICE
14 & DEMAND FOR ADMISSIONS & CONFESSIONS of COUNTY OF
15 YAVAPAI™ PUBLIC DEFENDER – NATHAN BEST competence to litigate
16 federal civil rights violations shall be completed by the public defender NATHAN
17 BEST Attorney at Law.

18
19 Dated this 25th day of October, 2021.

20
21 Autograph: _____

22 Michael Willis Chase of the Chase Family,

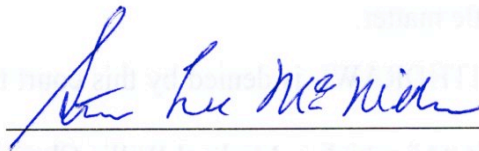
23 Seal

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27 _____
28 Michael Willis Chase's
Motion to Dismiss COUNTY OF YAVAPAI™ PUBLIC DEFENDER NATHAN BEST
and Notice & Demand For Admissions & Confessions
COUNTY OF YAVAPAI™ PUBLIC DEFENDER – NATHAN BEST

Pro Se, Principal Creditor for
MICHAEL WILLIS CHASE™, which
is a Corporate Identity, a Legal Fiction in
all uppercase, a decedent. All rights reserved.

Deuteronomy 19:15 *"at the mouth of two witnesses or at the mouth of three
witnesses shall the matter be established."*

WITNESSES:



Steven Lee McMillan - As Witness



I'iv I'iv - As Witness

Certificate of Service.

I, the undersigned, do hereby certify that I did hand deliver a true
and correct copy of the foregoing document, **MOTION TO DISMISS THE**
COUNTY OF YAVAPAI PUBLIC DEFENDER, on this 25th day of October,
2021 to the **COUNTY OF YAVAPAI COURT CLERK** and the **COUNTY OF**
YAVAPAI PROSECUTOR on behalf of the Plaintiff and the Public Defender

Michael Willis Chase's
Motion to Dismiss COUNTY OF YAVAPAI™ PUBLIC DEFENDER NATHAN BEST
and Notice & Demand For Admissions & Confessions
COUNTY OF YAVAPAI™ PUBLIC DEFENDER – NATHAN BEST

1 NATHAN BEST Attorney at Law on behalf of the **PUBLIC DEFENDER'S**
2 **OFFICE** located at, 595 White Spar Road, Prescott, Arizona, 86303.

3
4 Dated this 25th day of October, 2021.

5
6 Autograph: _____

7 Michael Willis Chase of the Chase Family,

Seal

8 Pro Se, Principal Creditor for

9 **MICHAEL WILLIS CHASE™**, which

10 is a Corporate Identity, a Legal Fiction in

11 all uppercase, a decedent. All rights reserved.
12

13
14 **Exhibit "B"**

Michael Willis Chase's

15 **Notice & Demand For Admissions & Confessions of**

16 **YAVAPA COUNTY PUBLIC DEFENDER™ – NATHAN BEST™**

17 The Accused has been ignorant of law. I am now a law student. I wish I knew what I
18 have learned before this case started. I would have asked all of these questions of
19 Judges William N. Lundy, Michael R. Bluff, Christopher L. Kottke and John Napper
20 who have been on my case. I would have asked all of these question of my private
21 Attorneys, Zachary J. Thornley, then Dennis Bayless, then Kevin M. Crowley, then
22 Adrew C. Marcantel, who promised to win my case at trial yet only cunning coerced
23 me to agree to a plea bargain. I would have asked all of these question of Nathan
24 Best, the public defender furnished by this trial court, before I would have ever
25 allowed my self to be steaks on their table by choice and consent. I never knew
26 anything about law nor due process of law! The following questions **MUST** be
27 answered by Nathan Best either now or in the near future in a Title 42 law suit.

- 28 1. What is your full name?

Michael Willis Chase's

Motion to Dismiss COUNTY OF YAVAPAI™ PUBLIC DEFENDER NATHAN BEST
and Notice & Demand For Admissions & Confessions

COUNTY OF YAVAPAI™ PUBLIC DEFENDER – NATHAN BEST

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ANSWER:

2. Where do you live?

ANSWER:

3. Where are you from (region and state)?

ANSWER:

4. Where did you attend law school?

ANSWER:

5. What kind of degree do you have?

ANSWER:

6. How many law schools did you attend?

ANSWER:

7. How many years of law school have you attended?

ANSWER:

8. Have you had any experience as a prosecuting attorney?

ANSWER:

9. How many years experience as a prosecuting attorney have you had?

ANSWER:

10. Have you had any complaints lodged against you by anyone to the Bar Associations County, State or Federal?

ANSWER:

10A. If the answer is yes, what was the complaint and what disciplinary action, if any, was taken?

ANSWER:

11. Are you a member of the Yavapai County Bar Association?

ANSWER:

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11A. Are you a member of the Arizona Bar Association?
ANSWER:

12. Are you a member of the American Bar Association?
ANSWER:

12A. Have you sworn an oath of allegiance to a foreign power?
ANSWER:

13. How many years have you been out of law school?
ANSWER:

14. How many years have you been in private practice?
ANSWER:

15. How many years have you been a public defender?
ANSWER:

16. How many cases have you handled as a prosecutor?
ANSWER:

17. How many cases did you win as a prosecutor?
ANSWER:

18. What percentage of your cases were wins as a prosecuting attorney?
ANSWER:

19. Where did you work as a prosecuting attorney?
ANSWER:

20. How many cases have you handled in private practice?
ANSWER:

21. Where else have you practiced law in private practice?
ANSWER:

- 1 22. How many cases have you won in private practice?
2 ANSWER:
- 3 23. What percentage of your cases were wins while you were in private
4 practice?
5 ANSWER:
- 6 24. How long have you been a public defender in this county?
7 ANSWER:
- 8 25. How many cases have you handled as a public defender?
9 ANSWER:
- 10 26. How many cases have you won as a public defender?
11 ANSWER:
- 12 27. How many cases have you handled like this case?
13 ANSWER:
- 14 28. HOW MANY CIVIL RIGHTS RELATED CASES HAVE YOU WON?
15 ANSWER:
- 16 30. Can you win this case?
17 ANSWER:
- 18 31. ARE YOU PREPARED TO APPEAL THE JURY VERDICT WHEN
19 THEY COME IN GUILTY ALL THE WAY TO THE UNITED STATES
20 SUPREME COURT?
21 ANSWER:
- 22 32. HAVE YOU EVER PREPARED AN APPEAL TO THE SUPREME
23 COURT OF THE UNITED STATES?
24 ANSWER:
- 25 33. How many?
26 ANSWER:

- 1 34. HAVE YOU EVER PREPARED AN APPEAL TO THE STATE
2 SUPREME COURT™?
3 ANSWER:
- 4 35. How many?
5 ANSWER:
- 6 36. HOW MANY VICTORIES HAVE YOU HAD WITH FEDERAL CIVIL
7 RIGHTS RELATED ISSUES?
8 ANSWER:
- 9 37. HOW MANY OF THESE CASES HAVE YOU ARGUED TO A JURY?
10 ANSWER:
- 11 38. How many have you won?
12 ANSWER:
- 13 40. Do you register your car?
14 ANSWER:
- 15 41. Do you insure your car?
16 ANSWER:
- 17 42. ARE YOU PREPARED TO SPEND (3) THREE YEARS WORKING
18 ON THIS CASE, TO APPEAL THIS CASE ALL THE WAY TO THE
19 FEDERAL SUPREME COURT?
20 ANSWER:
- 21 43. DO YOU CONSIDER A PLEA BARGAIN TO BE A WIN?
22 ANSWER:
- 23 44. IN THIS CASE DO YOU RECOMMEND A PRO SE DEFENSE?
24 ANSWER:
- 25 45. Why?
26 ANSWER:

1 46. DO YOU THINK YOU ARE MORE COMPETENT TO HANDLE THIS
2 CASE THAN I AM?

3 ANSWER:

4 47. Why?

5 ANSWER:

6 48. WILL YOU DEMAND ALL OF MY RIGHTS FOR ME?

7 ANSWER:

8 49. SPECIFICALLY, WHICH RIGHTS ISSUES DO YOU SEE IN THIS
9 CASE?

10 ANSWER:

11 50. WILL YOU MOTION UP AN EVIDENTIARY HEARING IN THIS
12 CASE?

13 ANSWER:

14 51. Are you offended by this interrogation?

15 ANSWER:

16 52. Why?

17 ANSWER:

18 53. WHAT PART DO YOU SEE ME PLAYING IN MY OWN DEFENSE?

19 ANSWER:

20 54. DO YOU THINK WE SHOULD PLEA BARGAIN?

21 ANSWER:

22 55. Have you researched any federal civil rights cases?

23 ANSWER:

24 **Case Studies.**

25 56. Are you familiar with *Crandel verses Nevada?* 73 U.S. 35

26 ANSWER:

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57. Are you familiar with *Edwards verses Calif.?* 314 U.S. 160
ANSWER:

58. Are you familiar with *Smith verses Thompkins?* 154 S.E. 604
ANSWER:

59. Do you believe federal civil rights trump state laws, privileges or rights?
ANSWER:

60. Are there any exceptions?
ANSWER:

61. Where did you get your belief on that subject?
ANSWER:

Your Commitment To My Case?

62. HOW MUCH TIME ARE YOU PREPARED TO SPEND IN
RESEARCH ON THIS CASE?
ANSWER:

63. HOW MUCH TIME DO YOU PLAN TO SPEND ON INTERVIEWING
WITNESSES IN THIS CASE?
ANSWER:

64. HOW MUCH TIME DO YOU PLAN TO SPEND IN THE TRIAL OF
THIS CASE?
ANSWER:

65. DO YOU THINK THIS CASE SHOULD BE TRIED BY COURT
(BENCH TRIAL) OR JURY?
ANSWER:

66. Why?
ANSWER:

1 67. Do you share my view that we can accept nothing short of total victory or
2 total defeat?

3 ANSWER:

4 68. HOW MUCH WILL THE COUNTY™ PAY YOU FOR DEFENDING
5 ME IN THIS CASE?

6 ANSWER:

7 69. Could you make more money doing something else?

8 ANSWER:

9 70. HOW MANY CASES ARE YOU HANDLING RIGHT NOW?

10 ANSWER:

11 71. Do you have enough time to take on this defense at this time?

12 ANSWER:

13 72. Will you drop all of your other cases right now to take mine?

14 ANSWER:

15 73. I'm prepared to devote my full time to my defense, are you?

16 ANSWER:

17 74. What percent of your time are you prepared to devote to my case?

18 ANSWER:

19 **Motions, Briefs and Affidavits.**

20 75. HOW MANY BRIEFS, MOTIONS, AND AFFIDAVITS DO YOU
21 NORMALLY WRITE IN A CRIMINAL DEFENSE?

22 ANSWER:

23 76. HOW MANY DO YOU THINK YOU WILL WRITE IN THIS CASE?

24 ANSWER:

25 77. WILL YOU WRITE 30 MOTIONS AND BRIEFS FOR ME IN THIS
26 CASE?

27

Michael Willis Chase's

28 **Motion to Dismiss COUNTY OF YAVAPAI™ PUBLIC DEFENDER NATHAN BEST
and Notice & Demand For Admissions & Confessions**

COUNTY OF YAVAPAI™ PUBLIC DEFENDER – NATHAN BEST

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ANSWER:

78. IF I WRITE THE MOTIONS AND BRIEFS THAT I WANT, WILL YOU FILE THEM FOR ME AND ARGUE THEM?

ANSWER:

79. Can you write and argue a motion on counsel v Attorneys?

ANSWER:

80. Can you write and argue a Demurrer to the charges?

ANSWER:

81. Can you write and argue a demand for affidavit in support of the complaint.

ANSWER:

82. Can you write and argue a notice and demand for due process?

ANSWER:

83. Can you write and argue an arraignment and plea?

ANSWER:

84. Can you write and argue a notice and demand for dismissal for want of jurisdiction?

ANSWER:

85. Can you write and argue a jurisdictional brief on rights?

ANSWER:

**Grand Jury Qualifications.
And Bill of Attainder.**

86. CAN YOU WRITE AND ARGUE A NOTICE AND DEMAND FOR QUALIFICATIONS OF THE GRAND JURY JURORS?

ANSWER:

- 1 87. CAN YOU WRITE AND ARGUE AN ACT ALLEGING THAT THIS
2 CRIME IS A BILL OF ATTAINDER?
3 ANSWER:
- 4 88. Can you write and argue a pleading to the complaint?
5 ANSWER:
- 6 89. Can you write and argue a jurisdiction brief pursuant to a trader at law?
7 ANSWER:
- 8 90. Can you write and argue a jurisdiction brief on the subject of equity?
9 ANSWER:
- 10 91. Can you write and argue a jurisdiction brief on the subject of status.
11 ANSWER:
- 12 92. CAN YOU WRITE AND ARGUE A JURISDICTION BRIEF ON THE
13 SUBJECT OF THE STATUS OF Michael Willis Chase, who is appearing
14 Pro Se specially and not generally or voluntarily.
15 ANSWER:
- 16 93. Can you write an affidavit of poverty?
17 ANSWER:
- 18 94. Can you write an affidavit of status.
19 ANSWER:
- 20 95. Can you write and argue a brief in support of a demurrer in this case?
21 ANSWER:
- 22 96. Can you write and argue a brief in support of property?
23 ANSWER:
- 24 97. Can you write and argue a notice of jurisdictional defects?
- 25 98. Can you write and argue a notice and demand to dismiss because the
26 statute exceeds the police powers of the state?

- 1 ANSWER:
- 2 99. Can you write and argue a brief on the subject of police powers?
- 3 ANSWER:
- 4 100. Can you write and argue a notice and demand for due process?
- 5 ANSWER:
- 6 101. Can you write and argue a notice and demand to dismiss with a theory of
- 7 law that there has been no intent?
- 8 ANSWER:
- 9 102. Can you write and argue a notice and demand for a (12) man jury?
- 10 ANSWER:
- 11 103. Can you write and argue a brief in support of counsel of choice?
- 12 ANSWER:
- 13 104. Can you write and argue a brief on trial of the country as opposed to trial
- 14 by government, and which of these briefs, motions, notices and affidavits
- 15 are on point in your opinion?
- 16 ANSWER:
- 17 105. Are any of these motions, briefs, and affidavits frivolous in your opinion?
- 18 ANSWER:
- 19 106. Why do you think they are frivolous?
- 20 ANSWER:
- 21 107. What plea should I enter in your opinion?
- 22 ANSWER:
- 23 108. Should I stand mute or enter a plea?
- 24 ANSWER:
- 25 109. Why?
- 26 ANSWER:

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2 110. Do you want this case?
ANSWER:
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4 110A. Why do you want this case?
ANSWER:
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6 111. What is Civil Law?
ANSWER:
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8 112. What is Common Law?
ANSWER:
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10 113. What is the difference between a corporation and Michael Willis Chase of
the Chase Family, Principal Creditor for MR. MICHAEL WILLIS
11 CHASE™, In Pro Se and appearing specially and not generally or
voluntarily?
12 ANSWER:
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14 114. Is there a difference?
ANSWER:
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16 115. What is the difference between a notice and demand, and a motion?
ANSWER:
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18 116. What happens to in personam jurisdiction when bail is paid?
ANSWER:
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20 117. What is in personam jurisdiction?
ANSWER:
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22 118. What does in propria personam mean?
ANSWER:
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24 119. What does in rem mean?
ANSWER:
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- 1 120. What is a plea?
2 ANSWER:
- 3 121. What is a stipulation?
4 ANSWER:
- 5 122. Are rights property?
6 ANSWER:
- 7 123. What does pro se mean?
8 ANSWER:
- 9 124. What is a freeman?
10 ANSWER:
- 11 125. What is a juristic PERSON™?
12 ANSWER:
- 13 126. What is the difference between an “SUBJECT™” and a “CITIZEN™”?
14 ANSWER:
- 15 127. What are the 12 statuses of “persons” under our Federal Constitution?
16 ANSWER:
- 17 128. WHAT ARE THE SEVEN RULES OF THE SUPREME COURT TO
18 QUALIFY A CASE FOR THE SUPREME COURT UNDER *Ashwander*
19 *verses T.V.A.* 297 U.S. 288?
20 ANSWER:
- 21 129. Have you ever filed a Civil Rights action under Title 42, Section 1983?
22 ANSWER:
- 23 130. WHAT IS THE DIFFERENCE BETWEEN A 4TH AMENDMENT
24 WARRANT AND AN ADMINISTRATIVE SEARCH?
25 ANSWER:
- 26 131. What kind of property is wages?

ANSWER:

132. What six items of property are not income?

ANSWER:

133. What is a license?

ANSWER:

134. What is a certificate of competency?

ANSWER:

135. What is the difference between the certificate of competency and a license?

ANSWER:

136. How do rights work with a license, are they enhanced or diminished?

ANSWER:

**Landmark Cases:
Search & Seizure, Income Tax,
5th Amendment, Counsel of Choice, and Jury**

137. NAME FIVE LANDMARK SEARCH AND SEIZURE CASES FROM THE UNITED STATES SUPREME COURT, SUCH AS *Terry verses Ohio*, 392 US 1.

ANSWER:

138. What guides or rules do you use to qualify a case for the United States Supreme Court?

ANSWER:

139. NAME FIVE LANDMARK INCOME TAX CASES FROM THE U.S. SUPREME COURT, SUCH AS *Schaffer verses Carter*, 252 US 37.

ANSWER:

140. Name five landmark 5th Amendment cases from the United States Supreme Court, such as *Hale verses Henkle*, 201 US 43.

ANSWER:

141. NAME FIVE LANDMARK CASES ON COUNSEL FROM THE UNITED STATES SUPREME COURT, SUCH AS *Powell verses Valabara*, 287 US 46.

ANSWER:

142. Name five landmark jury cases from the United States Supreme Court, such as *Thompson verses Utah*, 170 US 343.

ANSWER:

143. *Eisner verses Macomber*, 252 US 189, what is this case about?

ANSWER:

144. *Owen verses City of Independence*, Missouri, et al, 445 US 622, what is this case about?

ANSWER:

145. *Brown verses Texas*, 443 US 47, what is this case about?

ANSWER:

146. *Terry verses Ohio*, 392 US 1, what is this case about?

ANSWER:

147. *Carroll verses US*, 267 US 132, what is this case about?

ANSWER:

148. *Boyd verses US*, 116 US 616, what is this case about?

ANSWER:

149. *Schmerber verses California*, 384 US 757, what is this case about?

ANSWER:

150. *Miranda verses Arizona*, 384 US 436, what is this case about?

ANSWER:

151. *Marbury verses Madison*, 5 US 368, what is this case about?

ANSWER:

152. *Hale verses Henkle*, 201 US 43, what is this case about?

ANSWER:

153. *Yick Wo verses Hopkins Sheriff*, 118 US 356, what is this case about?

ANSWER:

154. *Erie Railroad Co. verses Tompkins*, 304 US 64, what is this case about?

ANSWER:

155. *Pollack verses Farmers Loan & Trust Co.*, 157 US 429, what is this case about?

ANSWER:

156. *Brushaber verses Union Pacific RR. Co.*, 240 US 1, what is this case about?

ANSWER:

157. *Georgia verses Brailsford*, 3 D 1, what is this case about?

ANSWER:

158. *Alameda Sanchez verses United States*, 413 US 266, what is this case about?

ANSWER:

159. *Weeks verses US*, 232 US 383, what is this case about?

ANSWER:

160. *Thompson verses Utah*, 170 US 343, what is this case about?

ANSWER:

161. *Argersinger verses Hamlin Sheriff*, 407 US 25, what is this case about?

ANSWER:

162. *Faretta verses California*, 422 US 806, what is this case about?

ANSWER:

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163. Which one of the following 12 distinguished American jurists was a law school dropout, then went on to become a lawyer?

ANSWER:

- | | |
|-----------------|-----------------|
| Patrick Henry | John Jay |
| John Marshal | William Wirt |
| Roger Taney | Daniel Webster |
| Salmon Chase | Abraham Lincoln |
| Stephen Douglas | Clarence Darrow |
| Robert Story | Strom Thurmond |

164. What Supreme Court justice made the following statement in a memorable dissenting opinion?

ANSWER:

"This case involves a cancer in our body politic. It is a measure of the disease, which afflicts us. Army surveillance, like Army regimentation, is at war with the principles of the First Amendment. ***Those who already walk submissively will say there is no cause for alarm.*** Being submissiveness is not our heritage. The First Amendment was designed to allow rebellion to remain as our heritage. The Constitution was designed to keep government off the backs of the people. The Bill of Rights was added to keep the precincts of belief and expression, of the press, of political and social activities free from surveillance. The Bill of Rights kept eavesdroppers away from assemblies of people. ***The aim was to allow men to be free and independent and to assert their rights against government.*** There can be no influence more paralyzing of that objective than Army surveillance. When an intelligence officer looks over every non-conformist's shoulder in the library, or walks invisibly by his side in a picket line, or infiltrates his club, the America once extolled as the voice of liberty heard around the world no longer is cast in the image which Jefferson and Madison designed, but more in the Russian image, depicted in Appendix III to this opinion."

165. Who was John Lilburn?

ANSWER:

166. Who was Roscoe Pound?

- 1 ANSWER:
- 2 167. Who was Oliver Holmes?
- 3 ANSWER:
- 4 168. Who was John Jay?
- 5 ANSWER:
- 6 169. Who was John Marshal?
- 7 ANSWER:
- 8 170. Who was William Wirt?
- 9 ANSWER:
- 10 171. Who was Roger Taney?
- 11 ANSWER:
- 12 172. Who was Daniel Webster?
- 13 ANSWER:
- 14 173. Who was Salmon P. Chase?
- 15 ANSWER:
- 16 174. Who was Stephen Douglas?
- 17 ANSWER:
- 18 175. Who was Clarence Darrow?
- 19 ANSWER:
- 20 176. WHAT IS THE DIFFERENCE BETWEEN A PUBLIC
- 21 PROSECUTOR™ AND A PROSECUTING ATTORNEY™?
- 22 ANSWER:
- 23 177. WHAT IS THE DIFFERENCE BETWEEN AN INDICTMENT AND
- 24 AN INFORMATION?
- 25 ANSWER:
- 26

1 178. What does stare decisis mean?
2 ANSWER:

3 179. Is an oath a religious ceremony?
4 ANSWER:

5 **What is Property?**

6 180. Is income property?
7 ANSWER:

8 181. Are wages income or property?
9 ANSWER:

10 182. Is compensation property or income?
11 ANSWER:

12 183. Is profit income or property?
13 ANSWER:

14 184. Is gain property or income?
15 ANSWER:

16 185. Is a gift income or property?
17 ANSWER:

18 186. Is a first time commission income or property?
19 ANSWER:

20 187. Is a salary income or property?
21 ANSWER:

22 188. Is labor a right or privilege?
23 ANSWER:

24 189. Is labor a right or privilege?
25 ANSWER:

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190. WHICH TWO CONSTITUTIONAL AMENDMENTS APPLY TO AND PROTECT LABOR?

191. Income tax, is it a direct or excise tax?
ANSWER:

192. Are wages and income the same thing?
ANSWER:

**Licenses:
Right to Travel Questions.**

193. Is an automobile an inherently dangerous machine per se?
ANSWER:

194. Does the right to travel include the right to travel by automobile?
ANSWER:

195. Is an automobile an ordinary and usual conveyance of the day?
ANSWER:

196. Is a license a right or privilege?
ANSWER:

197. Is the use of a license a right or privilege?
ANSWER:

198. Is a license a property?
ANSWER:

199. Is the use of right of way by a common carrier a right or privilege?
ANSWER:

200. Is the use of a right of way by an individual a right or privilege?
ANSWER:

1 201. Is a natural person who crosses a state line in a private car, in interstate
2 commerce?

3 ANSWER:

4 202. Does the status of citizen exceed that of "SUBJECT™" a "CITIZEN™" or
5 "PERSON™"?

6 ANSWER:

7 **Following Are (20) Brief Quotations**
8 **From Questions 143-162.**

9 ***Identify the citation quoted with the name of the case and cite.***

10 **Title 42 Civil Rights Act, Section 1983.**

11 203. "Moreover, Section 1983 was intended not only to provide compensation to the
12 victims of past abuses, but to serve as a deterrent against future constitutional
13 deprivations, as well. See *Fobertson verses Wegmann*, 436 US 584, 590-591
14 (1978); *Carey verses Piphus*, 435 US 247, 256-257 (1978). *The knowledge*
15 *that a municipality will be liable for all of its injurious conduct, whether*
16 *committed in good faith or not, should create an incentive for officials who*
17 *may harbor doubts about the lawfulness of their intended actions to err on*
18 *the side of protecting citizens' constitutional rights. Furthermore, the threat*
19 *that damages might be levied against the city may encourage those in a policy*
20 *making position to institute internal rules and programs designed to minimize*
21 *the likelihood of unintentional infringements on constitutional rights. Such*
22 *procedures are particularly beneficial in preventing those "systemic" injuries*
23 *that result not so much from the conduct of any single individual, but from the*
24 *interactive behavior of several government officials, each of whom may be*
25 *acting in good faith. Cf. Note, Developments in the Law: Section 1983 and*
26 *Federalism, 90 Harv. L. Rev. 1133, 1218-" Name the case, refer to questions*
27 *143 to 162.*

28 **Juries.**

29 204. In Bacon's Abridgment, Title Juries, it is said:

30 Michael Willis Chase's
31 **Motion to Dismiss COUNTY OF YAVAPAI™ PUBLIC DEFENDER NATHAN BEST**
32 **and Notice & Demand For Admissions & Confessions**
33 **COUNTY OF YAVAPAI™ PUBLIC DEFENDER – NATHAN BEST**

1 "Tho trial per pais, or by a jury of one's country, is justly esteemed one of the
2 principal excellencies of our Constitution; for what greater security can any
3 person have in his life, liberty or estate, than to be sure of not being divested
4 of, or injured in any of these, without the sense and verdict of twelve honest
5 and impartial men of his neighborhood? And hence we find the common law
6 herein confirmed by Magna Charta." So, in 1 Hale's P. C. 33: "The law of
7 England hath afforded the best method of trial, that is possible, of this and all
8 other matters of fact, namely, by a jury of twelve men all concurring in the
9 same judgment, by the testimony of witnesses viva voce in the presence of the
10 judge and jury, and by the inspection and direction of the judge." It must
11 consequently be taken that the word "jury" and the words "trial by jury" were
12 placed in the Constitution of the United States with reference to the meaning
13 affixed to them in the law as it was in this country and in England at the time
14 of the adoption of that instrument;" *Name the case (refer to questions 143-162).*

15 **Income.**

- 16 205. "Income may be defined as the gain derived from capital, from labor, or from
17 both combined," provided it be understood to include profit gained through a
18 sale or conversion of capital assets, to which it was applied in the Doyle Case
19 (pp. 183, 185).

20 Brief as it is, it indicates the characteristic and distinguishing attribute of
21 income essential for a correct solution of the present controversy. The
22 Government, although basing its argument upon the definition as quoted,
23 placed chief emphasis upon the word "gain", which was extended to include a
24 variety of meanings; while the significance of the next three words was either
25 overlooked or misconceived. "Derived--from--capital"; "the gain-- derived--
26 from--capital," etc. Here we have the essential matter: not a gain accruing to
27 capital, not a growth or increment of value in the investment; but a gain, a
28 profit, something of exchangeable value proceeding from the property severed
from the capital however invested or employed, and coming in, being
"derived," that is, received or drawn by the recipient (the taxpayer) for his
separate use, benefit and disposal; that is income derived from property.
Nothing else answers the description." *Cite the case refer to questions 143-162.*

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Warrant-less Inspections

206. "Two other administrative inspection cases relied upon by the Government are equally inapposite. *Colonnade Catering Corp. versus United States*, 397 US 72, and *United States versus Biswell*, 406 US 311, both approved warrant less inspections of commercial enterprises engaged in businesses closely regulated and licensed by the Government. In *Colonnade*, the Court stressed the long history of federal regulation and taxation of the manufacture and sale of liquor, 397 US, at 76-77. In *Biswell* the Court noted the pervasive system of regulation and reporting imposed on licensed gun dealers, 406 US, at 312 n. 1, 315-316.

"A central difference between those cases and this one is that businessmen engaged in such federally licensed and regulated enterprises accept the burdens as well as the benefits of their trade, whereas the petitioner here was not engaged in any regulated or licensed business. The businessman in a regulated industry in effect consents to the restrictions placed upon him. As the Court stated in *Biswell*:" *Cite the case and refer to questions 143-162.*

207. "Similarly, we are satisfied that the test chosen to measure petitioner's blood-alcohol level was a reasonable one. Extraction of blood samples for testing is a highly effective means of determining the degree to which a person is under the influence of alcohol. See *Breithaupt verses Abram*, 352 US, at 436. n. 3. Such tests are commonplace in these days of periodic physical examinations and experience with them teaches that the quantity of blood extracted is minimal, and that for most people the procedure involve virtually no risk, trauma, or pain. Petitioner is not one of the few who on grounds of fear, concern for health, or religious scruple might prefer some other means of testing, such as the "breathalyzer" test petitioner refused, see n. 9, supra. We need not decide whether such wishes would have to be respected."

"Finally, the record shows that the test was performed in a reasonable manner. Petitioner's blood was taken by a physician in a hospital environment according to accepted medical practices. We are thus not presented with the serious questions which would arise if a search involving use of a medical technique, even of the most rudimentary sort, were made by other than medical

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1 personnel or in other than a medical environment--for example, if it were
2 administered by police in the privacy of the station-house. To tolerate searches
3 under these conditions might be to invite an unjustified element of personal
risk of infection and pain." *Cite the case, refer to questions 143-162.*

4 **Juries.**

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6 208. "It may not be amiss here, gentlemen, to remind you of the good old rule, that
7 on questions of fact it is the province of the jury, on questions of law, it is the
8 province of the court to decide. But it must be observed that by the same law,
9 which recognizes this reasonable distribution of jurisdiction, you have
10 nevertheless a right to take upon yourselves to judge of both, and to determine
11 the law as well as the fact in controversy. On this, and on every other
12 occasion, however, we have no doubt you will pay that respect which is due to
13 the opinion of the court; for, as on the one hand it is presumed that juries are
14 the best judges of facts, it is, on the other hand, presumable that the courts are
the best judges of law. But still both objects are lawfully within your power of
decision." *Cite the case, refer to questions 143-162.*

14 **Search & Seizure Intent of Congress.**

15 209. "The principles laid down in this opinion affect the very essence of
16 constitutional liberty and security. They reach farther than the concrete form
17 of the case then before the court, with its adventitious circumstances; they
18 apply to all invasions on the part of the government and its employees of the
sanctity of a man's home and the privacies of life. It is not the breaking of his
doors, and the rummaging of his drawers, that constitutes the essence of the
19 offense; but it is the invasion of his indefeasible right of personal security,
personal liberty and private property, where that right has never been forfeited
20 by his conviction of some public offense, it is the invasion of this sacred right
21 which underlies and constitutes the essence of Lord Camden's judgment." *Cite
22 the case, refer to questions 143-162.*

23 210. "The intent of Congress to make a distinction between the necessity for a
24 search warrant in the searching of private dwellings and in that of automobiles
25 and other road vehicles is the enforcement of the Prohibition Act as thus
clearly established by the legislative history of the Stanley Amendment. Is

1 such a distinction consistent with the Fourth Amendment? We think that it is.
2 The Fourth Amendment does not denounce all searches or seizures, but only
3 such as are unreasonable." *Cite the case, refer to questions 143-162.*

4 211. APPENDIX TO OPINION OF THE COURT

5 "THE COURT: What do you think about if you stop a person lawfully, and
6 then if he doesn't want to talk to you, you put him in jail for committing a
7 crime."

8 "MR. PATTON (Prosecutor): Well first of all, I would question the
9 Defendant's statement in his motion that the First Amendment gives an
10 individual the right to silence."

11 "THE COURT: I'm asking you why should the State put you in jail because
12 you don't want to say anything."

13 "MR. PATTON: Well, I think there's certain interests that have to be viewed."

14 "THE COURT: Okay, I'd like you to tell me what those are."

15 "MR. PATTON: Well, the Governmental interest to maintain the safety and
16 security of the society and the citizens to live in the society, and there are
17 certainly strong Governmental interests in that direction and because of that,
18 these interests outweigh the interests of an individual for a certain amount of
19 intrusion upon his personal liberty. I think these Governmental interests
20 outweigh the individual's interests in this respect, as far as simply asking an
21 individual for his name and address under the proper circumstances."

22 "THE COURT: But why should it be a crime to not answer?"

23 "MR. PATTON: Again. I can only contend that if an answer is not given, it
24 tends to disrupt."

25 "THE COURT: What does it disrupt?"

1 "MR. PATTON: I think it tends to disrupt the goal of this society to maintain
2 security over its citizens to make sure they are secure in their gains and their
3 homes."

4 "THE COURT: How does that secure anybody by forcing them, under penalty
5 of being prosecuted, to giving their name and address, even though they are
6 lawfully stopped?"

7 "MR. PATTON: Well I, you know, under the circumstances in which some
8 individuals would be lawfully stopped, it's presumed that perhaps this
9 individual is up to something, and the officer is doing his duty simply to find
10 out the individual's name and address, and to determine what exactly is going
11 on."

12 "THE COURT: I'm not questioning, I'm not asking whether the officer shouldn't
13 ask questions. I'm sure they should ask everything they possibly could find
14 out. ***WHAT I'M ASKING IS, WHAT'S THE STATE'S INTEREST IN***
15 ***PUTTING A MAN IN JAIL BECAUSE HE DOESN'T WANT TO ANSWER***
16 ***SOMETHING?*** I realize lots of times an officer will give defendant a
17 Miranda warning, which means a defendant doesn't have to make a statement.
18 Lots of defendants go ahead and confess, which is fine if they want to do that.
19 But if they don't confess, you can't put them in jail, can you, for refusing to
20 confess to a crime?" App. 15-17 (emphasis added). ***Cite the case, refer to***
21 ***questions 143-162.***

22 212. "...but illegitimate and unconstitutional practices get their first footing in that
23 way, namely, by silent approaches and slight deviations from legal modes of
24 procedure. This can only be obviated by adhering to the rule that constitutional
25 provisions for the security of person and property should be liberally
26 construed. A close and literal construction deprives them of half their efficacy,
27 and leads to gradual depreciation of the right, as if it consisted more in sound
28 than in substance. ***IT IS THE DUTY OF COURTS TO BE WATCHFUL***
FOR THE CONSTITUTIONAL RIGHTS OF THE CITIZEN, AND
AGAINST ANY STEALTHY ENCROACHMENTS THEREON.

Their motto should be obsta principiis.

1 We have no doubt that the legislative body is actuated by the same motives;
2 but the vast accumulation of public business brought before it sometimes
3 prevents it, on a first presentation, from noticing objections which become
4 developed by time and the practical application of the objectionable law." **Cite
the case, refer to questions 143-162.**

5 **Arbitrary Power**

6 213. "When we consider the nature and the theory of our institutions of government,
7 the principles upon which they are supposed to rest, and review the history of
8 their development, we are constrained to conclude that they do not mean to
9 leave room for the play and action of purely personal and arbitrary power.
10 Sovereignty itself is, of course, not subject to law, for it is the author and
11 source of law; **BUT IN OUR SYSTEM, WHILE SOVEREIGN POWERS
12 ARE DELEGATED TO THE AGENCIES OF GOVERNMENT,
13 SOVEREIGNTY ITSELF REMAINS WITH THE PEOPLE, BY WHOM
14 AND FOR WHOM ALL GOVERNMENT EXISTS AND ACTS.** And the law
15 is the definition and limitation of power. It is, indeed, quite true, that there
16 must always be lodged somewhere, and in some person or body, the authority
17 of final decision; and in many cases of mere administration the responsibility is
18 purely political, no appeal lying except to the ultimate tribunal of the public
19 judgment, exercised either in the pressure of opinion or by means of the
20 suffrage. But the fundamental rights to life, liberty, and the pursuit of
21 happiness, considered as individual possessions, are secured by those maxims
22 of constitutional law which are the monuments showing the victorious progress
23 of the race in securing to men the blessing of civilization under the reign of just
24 and equal laws, so that, **IN THE FAMOUS LANGUAGE OF THE
25 MASSACHUSETTS BILL OF RIGHTS, THE GOVERNMENT OF THE
26 COMMONWEALTH "MAY BE A GOVERNMENT OF LAW AND NOT
27 OF MEN."** For the very idea that one man may be compelled to hold his lid,
28 or the means of living, or any material right essential to the enjoyment of life,
at the mere will of another, seems to be intolerable in any country where
freedom prevails, as being the essence of slavery itself." **Cite the case, refer to
questions 143-162.**

1 214. "Where rights secured by the Constitution are involved, there can be no rule
2 making or legislation which would abrogate them." *Cite the case, refer to*
3 *questions 143-162.*

4 215. "...we are of the opinion that there is a clear distinction in this particular
5 between an individual and a corporation, and that the latter has no right to
6 refuse to submit its books and papers for an examination at the suit of the State.
7 The individual may stand upon his constitutional rights as a citizen. He is
8 entitled to carry on his private business in his own way. His power to contract
9 is unlimited. He owes no duty to the State or to his neighbor.

10 **End of Questions for COUNTY OF YAVAPAI™ Public Defender NATHAN**
11 **BEST At This Time, There Will Be Many More.**
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